

Appl. No. 09/777,320
Amdt. Dated: April 22, 2003
Reply to Office Action of March 31, 2003

REMARKS

Claims 1, 3, 4, 7, 12, 13, 14, 18, 20, 21, 22, 23, 24, 25, 27, 28, 40, 41, 42, 43, 44, 55, 56, 109 and 110 are pending. Claim 53 (now Claim 110) was indicated to be allowable. Claims 2, 26 and 53 have been cancelled by this amendment. Claims 8, 9, 10, 11, 32, 33, 34, 35, 45, 46, 47, 48, 49, 50, 51, 52, 54, 66, 67, 68, 69, 70 were cancelled by a previous amendment. The remaining of the above claims were rejected.

Independent Claims 1, 24, 25 and 109 have been amended to more clearly reflect that the composition is applied in an aqueous solution as a spray which bounces off the plant into the soil. This is discussed on page 8, line 26 to page 9, line 36 of the specification. These claims thus clearly include formulations which do not remain on the crop plant.

It is clear that if the herbicide remains on the plant, the plant will be injured. In order to affirm this fact, the independent claims have been amended to clearly reflect this fact (see page 1, line 28 to page 2, line 9 of the specification).

Claims 1, 2, 13, 14, 20, 21, 24 - 26, 40, 41, 55, and 109 were rejected under 35 USC 103(a) over Hoskaka et al, which has been extensively discussed previously in relation to spreading of the herbicide on the plants to cause injury, in view of Dahmen et al which

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discloses various herbicides including isoxaflutole. One skilled in the art would not even find the suggestion of the problem, much less the solution, as discussed above and claimed, from this combination of references. Reconsideration is requested.

Claims 1, 2, 20, 21, 24-26 and 109 were rejected under 35 USC 103(a) as being unpatentable over Hausmann et al. This reference also discloses a silicone oil as a "spreading agent" for the herbicide. This is exactly opposite to the result to be achieved by applicants' method and compositions as discussed above. Again this reference does not even recognize the problem, much less Applicants' solution. Reconsideration of this rejection is requested.

The Applicants do not understand why dependent safener Claims 3, 4, 18, 22, 27, 28, 55 and 56 were withdrawn. These claims should be re-included since they are dependent claims and have been previously prosecuted. This is also true of the other remaining dependent claims. Claims 18 and 43 have been corrected to have the proper dependency.

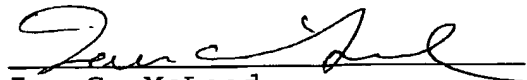
Claims 2 and 26, which were regarded as duplicative, have been cancelled. This objection has thus been overcome. Claims 12, 23, 42, 44 and 53 have

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been cancelled as non-elected claims. Claim 7 has been amended to depend upon Claim 1, an elected claim. Allowable Claim 53 has been rewritten as new Claim 110.

It now believed that Claims 1, 3, 4, 7, 13, 14, 18, 20, 21, 22, 24, 25, 26, 27, 28, 40, 41, 55, 56, 109 and 110 are condition for allowance. Notice of Allowance is requested.

Respectfully,



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